

1900-059
Lee Co.

Chancery Causes: Cora Way vs Joseph Way

Sargent, Cole, Long, Martin, Pressley

CA-Divorce

T-Vices

Migration

Virginia,

In the Circuit Court of Lee County.

To the Hon. W. T. Miller, Judge of said Court:

-----Your oratrix, Cora Warf, nee Cora Sargent, ^{humbly complaining} a citizen of said County and State, would respectfully represent and shew unto your honor that on the---day of-----189---, she was married to one ~~James~~ Warf, with whom she lived until on the---day of March 1897, when he abandoned her unjustly and without cause, and removed or went to the State of Kentucky, and there married another woman to-wit: one Florence Cole, with whom he lived ^{in adultery for} about six months and then abandoned her; that his said abandonment of your oratrix ^{of adultery} was without her consent, procurement or connivance, and that she has not lived with or cohabited with him since said abandonment, not since his living with and cohabiting with the said Florence Cole in adultery in the State of Kentucky; that she is a citizen of the County of Lee and State of Virginia, and has been ~~mx~~ for more than twelve months next preceding the institution of this suit; that she was to her said husband a faithful and dutiful wife, true to her marriage vows. The premises considered, the prayer of your oratrix is that the said ~~James~~ Warf be made the party defendant to this bill and required to answer the same ~~be~~ but not on oath, that being waived; that the bonds of matrimony heretofore contracted and now existing between your oratrix and her husband, the said ~~James~~ Warf, be forever dissolved and she be granted a divorce a vinculo matrimonii. May process issue, directed, etc., and your oratrix will ever pray, etc.

Cora Warf P. O.

Plffs Costs

Clerk \$5.47

Tax 1.50

atty 15.50

Co. C 25-

N.P. 2.50

24.172

5.50

By ant paid C.C. 14.122

14.122

9.50

9.72

10.4 B.

Cora Warf. Plff

vs. Bill in Choy.

Joseph Warf. Deft.

Spa. Exd.

1899. 2nd Feby. Rules. - Bill files.

Deft. fails to appear.

Decree nisi.

1st March Rules held
on the last Monday in
Feby. - Decree nisi
confirmed. Bill taken
for confessed. Cause
set for hearing.

March Term 1900 Decree
final Order Book No 6
Page 360 90 to 00
20-

Date of

Lara Warf.

Plaintiff

against

Joseph Warf.

Defendant

In chancery.

This cause came on to be heard, upon the bill of the plaintiff, the process ~~exe-~~ cuted on the defendant, and the depositions of witnesses, and was argued by counsel. On consideration thereof It is adjudged, ordered and decreed that the bonds of matrimony existing between the plaintiff and defendant be and are hereby dissolved, and the said parties are ~~disposed~~ ^{each} restored from each other, and ~~restored~~ to the rights of a single person. And nothing further remaining to be done, the Cause is stricken from the docket.

Bara Warf.
vs Decree Final
Joseph Warf.

Entered on Chancery
Order Book No 6 Pages
360

Enter this decree
Haw Shun
Mar 13th 1900.

The depositions of James Sargent ~~Ed Margaret~~
Sargent, taken before me, M. G. Ely a Notary
Public for Lee Co. Va. at the Law office of M.
H. Ely Beech Spring Va. Jan. 27th, 1900 - pursuant
to notice hereto annexed, which are intended to be
read as evidence in behalf of Cora Warf in
a certain suit in Equity pending in the Circuit
Court of Lee County Va. wherein Cora Warf is
Plaintiff and Joseph Warf is defendant -
James Sargent a witness of lawful age
being duly sworn deposes and says: -

Ques. 1. Please state your age, residence ~~Ed~~ occupation?

Ans. I am 19th old, residence Harwest, Lee Co. Va -
occupation, Farmer -

Ques. 2. Are you acquainted with the parties to this suit?

Ans. I am - and have known them for 10th or
more -

Ques. 3. Please state whether or not (if you know) Cora
Warf is, or has been a citizen of Lee Co. Va - for
twelve months before the institution of this, suit
to wit Feb. 4th, 1899. ?

Ans. She was born and raised in Lee Co. Va - ~~Ed~~
was a resident for more than twelve months
before the suit was brought,

Ques. 4. Please state all you may know about Joseph
Warf leaving Cora Warf and living in adultery
with another woman?

Ans. It has been between 2 ~~Ed~~ 3 yrs, since he left her

And all I know about his living with another woman, is what I heard him say, He told me that he was living with Florence Cole and that he was married to her - And it is the general talk & rumor in the neighborhood where they live that they are living together in adultery as man & wife.

Ques. 5 Please state whether or not (if you know) Cora Warf has lived with or co-habited with Joseph Warf since he went to live with Florence Cole - or since he has been living with Florence Cole?

ans. She has never lived with him since -

Ques. 6 - Please state whether or not (if you know) Joseph Warfs living with Florence Cole; was or was not with the consent, procurement, or connivance of Cora. Warf -

ans. She had nothing to do with his leaving her and living in adultery with Florence Cole. and has had nothing to do with him since,

Ques. 7 Has Joe Warfs acts of living with Florence Cole in adultery been committed within five years before the bringing of this suit?

ans. They have - within the last three years:

And further this deponent swears out,

James ^{his} Sargent
witness

No other witnesses appearing the further taking

of these depositions are adjourned till Jan, 29th
at the same place, given under my hand
this Jan, 27th, 1900. M. G. Ely n^o.

at, M. G. Ely's Law office Rock Spring, Va.
Jan, 29th, 1900—

Margaret Sargent, another witness of lawful
age being duly sworn deposes and saith;

Ques. 1 Please state your age, and residence;

ans. I am 49 yrs. old, residence Horner, Va.

Ques. 2 Are you acquainted with the parties to this
suit?

ans. I am —

Ques. 3 What relation are you to the Plaintiff Cora
Warf?

ans. I am her mother, she is my daughter.

Ques. 4 Please state what you may know about
Joe Warf deserting and leaving the Plff
and living in adultery with another woman;

ans. The most I know about it is what he says
about it himself, He says that he is living with
Florence Cole, and that he is married to her, I know
they have one child, and she says that it is
Joe Warf's, It is reputed in the neighborhood where
they live, that they are living together as man
and wife;

Ques. 5 Please state how long it has been since Joe Warf
deserted the Plff and went to live in adultery

with the other woman of which you speak?
ans. It has been about three years?

Ques 6 Was the Plff. ever lived with or cohabited with the defendant since his desertion and living with Florence Cole-

ans. no sir she has not.

Ques 7 Was the defendants living with Florence Cole by the consent, procurement or connivance of the Plff?

ans. No sir! she didn't know nothing about it.

Ques 8, Has the Plff been a resident of this County and state for more than twelve months before the bringing of this suit?

ans. She has, she was born and raised in Lee County Va.

And further this deponent saith not.

Margaret ^{her} Sargent _{mother}

Virginia Lee County to wit! -

J. M. G. Esq a notary Public in and for the County and state aforesaid, do certify that the foregoing depositions of James Sargent Esq Margaret Sargent were duly taken, subscribed, and sworn to before me at the time and place and for the purposes in the caption mentioned. Given under my hand this January 29th, 1900.

M. G. Esq uo.

Lora Warf Duff
vs. ^{EE} Depositions of
^{EE} Plaintiff.
Joseph Warf Duff.
Received from M. G. Ely
the N. P. before whom
taken and filed Feby 5th
1900. A. B. Munsey, clk

Notary Fee. \$250

Joseph
L. Harf

TAKE NOTICE. That I on the 27th day of

January, 189-1900- at The Law office of M. B. Ely
Beech Spring Va.

will proceed to take the deposition of James Sargent et al-

which, when taken, are intended to be read as evidence on my behalf in a certain suit in Equity
now pending in the Circuit Court of Lee County, State of Virginia, in which

I am plaintiff and
you are defendant.

And if from any cause the same be not commenced, or if commenced, be not concluded on that day, the
taking thereof will be adjourned from time to time, and from place to place, until completed.

Jan. 13th 1900, 189-1900

Very Respectfully,

Lora. W. Harf
By Council

Virginia Lee County to wit:
I, M. G. Ely a Notary Public in and for the County
and State aforesaid do certify that James. Sargent
personally appeared before me and made oath
that he on the 15th day of Jan. 1900 delivered
a true copy of the within notice to Joseph
Worff - in Lee County Va. Given under my hand
this Jan. 27th. 1900 - M. G. Ely N.P.

Recd. Worff
ob. E. E. notice -
Jan. 27th 1900 -

the depositions of Elizabeth Long and Rosa ~~Martin~~^{Bresley} taken before me Chas. Bales a Notary Public in and for Lee County, Virginia Pursuant to notice hereto attached at the office of the Big Stone Gap Iron Co. at Rose Hill, Lee County Virginia on this the 20th. day of July, 1900 to be read in behalf of the Plaintiff in the Chancery Cause of Bern Warf vs. Joseph Warf now pending in the Circuit Court of Lee County, Virginia, Elizabeth Long a witness of lawful age being first duly sworn deposes and says:

(Ques. 1) What is your age and where do you reside?

(Ans.) I am about 59 years old and my home is in Lee County, Virginia

(Ques. 2) State if you know where the Defendant Joseph Warf now lives?

(Ans.) He lives in Harlan County, Kentucky

(Ques 3) How long have you known the parties to this suit.

(Ans.) I have known the Defendant for several years but am not acquainted with the Plaintiff.

(Ques 4) Is he or not living with a woman other than the Plaintiff and if so who is it?

(Ans.) He is, living with a woman by the name of Florence Cole.

(Ques 5) How do they live together as husband and wife or otherwise, state all you know about it?

(Ans) I suppose they live together as husband and wife. They live in a house by themselves as man and wife usually do and have been living in this

(2)

way over twelve months, the woman he is now living with has a young child which she ^{says} is his. It is about five or six ~~years~~ ^{months} old and further this deponent sayth not

Elizabeth ^{her} Martin
mark

Bressley
Rosa ~~Martin~~ another witness being first duly sworn deposes as follows

(Ques. 1.) What is your age and where do you reside?

(Ans.) I am about 23 years old. I live in Lee County, Virginia.

(Ques. 2.) Are you acquainted with the parties to this suit & if so how long have you known them.

(Ans.) I have known the Defendant for two or three years but am not very well acquainted with the Plaintiff.

(Ques. 3.) State if you know where the Defendant Joseph Warf now lives

(Ans.) He lives in Harlan County, Kentucky.

(Ques. 4.) Is he or not living with a woman other than the Plaintiff and if so who is it.

(Ans.) Yes sir, He is living with a woman by the name of Florence Cole.

(Ques. 5.) How do they live together as husband and wife or other wise. State any thing you may know about it?

(Ans.) I suppose they do. They live in a house out to themselves as husband and wife generally do. I have seen them in bed together, she has a child which she says

(3)

belongs to the defendant
and further this deponent sayeth not.
Rosa^{the} Pressley
mark

Virginia, Lee County, to wit:

I Chas. C. Bailey a
Notary Public in and for the County
of Lee and State of Virginia, do
hereby certify that the foregoing
depositions of Elizabeth Long and
Rosa Pressley were duly taken
sworn to and subscribed before
me at the time and place and for
the purpose mentioned in the caption
of the same. Given under my
hand this the 20th. day of July 1900,
Charles C. Bailey N.P.

State of Virginia,)

(to-wit:

County of Lee,)

This day Wm.Eldridge personally appeared before me, Chas.C.Bales a Notary Public in and for Lee County, Virginia and made oath that on the 15th.day of February, 1900 he delivered to ~~Js~~ Joseph Warf, in Lee County, Virginia a true copy of the within notice. Given under my hand this the 15th.day of February, 1900.

Charles C. Bales

Mr Joseph Warf.

You will please take notice, that
on the 20th day of February 1900, at the office
of Big Stone Gap, Va. in Lee County Va. betw-
een the hours of 8 o'clock A.M. and 5 o'clock
P.M. I will proceed to take the depositions of
Elizabeth Martin and others, which
depositions are intended to be read as evidence
in my behalf in a certain suit in Chancery
now pending in the Circuit Court of said
County in which I am plaintiff and you are
defendant, and if from any cause the
taking of said depositions ^{Commenced or if commenced} are not completed
on that day the taking of the same will be
adjourned from day to day and from place
to place until completed. Feb 13th 1900.

Carra Warf
By her attorneys.

Carra Warf
vs. Joseph
Warf.

Filed Feb 21st 1900
A. B. Munsey clk

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon

Joseph Warf

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the 3rd Monday in February, 1899, to answer a bill in
chancery, exhibited against him in our said court by

Lora Warf

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,
the 4th day of February, 1899, and in the 123rd year of the Commonwealth.

A. B. Munsey Clerk

Bora Warf

US. }
SUBPOENA
IN CHANCERY.

Joseph Warf

Or. & Blankenship

To *2nd* February *Rules.*

1899 Circuit Court.

This day *W.A.S. Haley* personally appeared before me *C.B. Bales* a Notary Public and made oath that on the *6th* day of February 1899. he delivered to *Joseph Warf* a true copy of the within Subpoena.

Given under my hand this *6th* day of February 1899.

Virginia, Lee Co. To-wit:

W.A.S. Haley N.P.